

Remarks

Reconsideration of this application is respectfully requested.

Upon entry of the foregoing amendment, claims 27, 36, 92-95, 103 and 110-121 are pending in the application, with claim 27 being the sole independent claim. Claims 27 and 36 are sought to be amended to more clearly define the claimed subject matter. No new matter is added by way of these amendments. It is respectfully requested that the amendments be entered and considered.

Support for the amendment of claim 27 is found throughout the specification, *e.g.*, page 1, lines 10-14; page 24, lines 22-25; page 49, lines 12-19 and Examples 10-11. Support for the amendment of claim 36 is found throughout the specification, *e.g.*, page 21, line 3.

It is believed that the amendments presented above will place the application in condition for allowance and\or in better form for appeal. (*See* 37 C.F.R. § 1.116(a).) It is respectfully requested that the amendments after final Office Action be entered and considered.

I. Discussion with the Examiner

The Examiner's courtesy extended Applicants' representative in a telephone conversation on March 29, 2006, is acknowledged and gratefully appreciated. Applicants' representative, Doug Golightly and the Examiner discussed amending claim 27 to replace the term "supports". The Examiner indicated that she would consider entering amendments of the claims upon their presentation in the next Reply.

II. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 27, 36, 92-95, 103 and 111 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Peebles (U.S. Patent No. 2,853,586) and Getler *et al.* (PCT Publication No. WO 95/00031) as evidenced by the teachings of Fassolitis *et al.* (Applied Environmental Microbiology (Aug 1981) 200-203; Office Action, page 2). Applicants respectfully disagree and traverse this rejection.

An anticipation rejection under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice, or device. (*See In re Donohue*, 766 F.2d 531, (Fed. Cir. 1985).)

The Examiner has cited Peebles and Getler *et al.* as related to dry milk or dry milk-like products that are agglomerated. (Office Action, pages 3-4.) The Examiner has cited Fassolitis *et al.* as related to supplementing cell culture medium with nonfat dry skim milk filtrate. (Office Action, pages 4-5.) The Examiner further states:

[t]hus, as evidenced by Fassolitis, the prior art agglomerated dry powders taught by Peebles and Getler are deemed agglomerated eukaryotic cell culture medium powders that are able to support the proliferation of a eukaryotic cell *in vitro* upon reconstituted with water and inherently have the claimed designated pH range.

(Office Action, page 5.) Applicants respectfully disagree with this statement. Neither Peebles nor Getler *et al.* teach an “agglomerated eukaryotic cell culture medium powder”. Further, there is no evidence that the water reconstituted milk products of Peebles or Getler *et al.* possess a pH in the range recited in claim 36.

Solely to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants have amended claim 27 to recite "wherein said agglomerated powder, upon being reconstituted with water, comprises all the necessary nutritive factors for the proliferation or cultivation of a eukaryotic cell *in vitro*." Fassolitis *et al.* relates to supplementing a liquid culture medium with a filtrate of reconstituted nonfat dry milk. Hence, neither Peebles nor Getler *et al.* anticipate the subject matter of the claims as presented herein since neither Peebles nor Getler *et al.* describe an agglomerated powder, wherein upon being reconstituted with water, comprises all the necessary nutritive factors for the proliferation or cultivation of a eukaryotic cell *in vitro*.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. § 102(b).

Conclusion

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to the Deposit Account No. 19-0036.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present

application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: APR. 07, 2006

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